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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JERRY LEE JOHNSTON JR.,

2:08-CV-1161 JCM (PAL)

Plaintiff,

Date: N/A
Time: N/A

V.

THE UNITED STATES OF
AMERICA.

Defendant.

ORDER

Presently before the court are the report and recommendations of United States Magistrate Judge Peggy Leen, which were filed on October 15, 2008. (Doc. # 6) Judge Leen recommends denying petitioner's motions to proceed *in forma pauperis* (docs. #1 and #5) because he did not submit the appropriate filing fee or application. She also recommends denying petitioner's motions to reopen or dismiss his case (docs. #2 and #4) because he failed to show that this court has jurisdiction over his claims.

Local Rule IB 3-2 states that any party wishing to object to the findings and recommendations of a magistrate judge shall, within ten (10) days from the date of service of the findings and recommendations, file and serve specific written objections together with points and authorities in support thereof. This court then conducts a *de novo* determination of those portions of the specified findings or recommendations to which objections have been made. Here, no objections were filed.

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Upon review of the magistrate judge's findings and recommendations and there being no objections filed,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge Leen's
4 report and recommendations (Doc. # 6) are AFFIRMED in their entirety.

5 IT IS FURTHER ORDERED that this action is dismissed without prejudice.

6 DATED this 20th day of November, 2008.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE